

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7302

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HEZEKIAH BERNARD DRAYTON, a/k/a Little Bee,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:98-cr-00751-DCN-2; 2:16-cv-01872-DCN)

Submitted: February 1, 2021

Decided: February 5, 2021

Before WILKINSON, MOTZ, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Hezekiah Bernard Drayton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Hezekiah Bernard Drayton seeks to appeal the district court's order partially granting and partially denying relief on his 28 U.S.C. § 2255 motion. The district court's order vacated Drayton's sentences on three counts but rejected Drayton's argument for resentencing on a fourth count. The district court has not yet resentenced Drayton on the applicable counts.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order Drayton seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Andrews v. United States*, 373 U.S. 334, 340 (1963) (holding that a district court order granting a future resentencing is not immediately appealable because it does not complete the § 2255 proceeding). Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED